

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

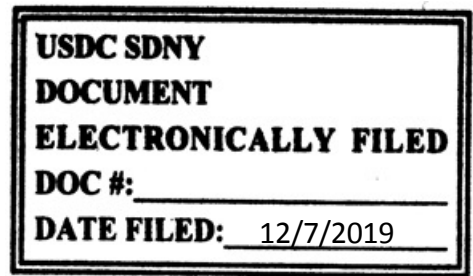
Contant, et al.,

Plaintiffs,

-against-

Bank of America Corporation, et al.,

Defendants.



1:17-cv-03139 (LGS) (SDA)

ORDER

STEWART D. AARON, United States Magistrate Judge:

Plaintiffs, Defendant HSBC North America Holdings, Inc. ("HSBC") and non-party Forex Capital Markets, LLC ("FXCM") are directed to appear via telephone for a conference in the above-captioned case on Monday, December 16, 2019, at 11:00 a.m., to address the Letter Motions filed at ECF Nos. 325 and 335. The parties shall call the Court's conference line at (212) 805-0110 once all parties are on the line.

No later than Thursday, December 12, 2019, HSBC shall file with the Court its subpoena served on FXCM (which is referenced as "Exhibit 1" in ECF No. 335). No later than Thursday, December 12, 2019, FXCM shall either (1) file with the Court any written objections it previously served to the HSBC subpoena (accompanied by an affidavit of service), or (2) file with the Court a letter setting forth good cause and any "unusual circumstances" that would justify the Court's consideration of FXCM's belated objections to the HSBC subpoena. *See Semtek Int'l, Inc. v. Mercuriy Ltd.*, No. 96-CV-03607 (DRH), 1996 WL 238538, at *2 (N.D.N.Y. May 1, 1996) ("Ordinarily, the failure to make timely objection under this rule constitutes a waiver of any such objections. . . . In unusual circumstances and for good cause, however, the failure to act timely

will not bar consideration of objections.”). If FXCM files a letter with the Court by December 12, 2019, then HSBC may file a reply no later than Friday, December 13, 2019.

Counsel for HSBC shall forward a copy of this Order to counsel for FXCM as soon as possible, but no later than Monday, December 9, 2019.

SO ORDERED.

DATED: New York, New York
December 7, 2019

A handwritten signature in black ink, reading "Stewart D. Aaron", is positioned above a horizontal line.

STEWART D. AARON
United States Magistrate Judge